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                    IN THE UNITED STATES DISTRICT COURT
                       FOR THE DISTRICT OF MARYLAND
 2
                            NORTHERN DIVISION
     UNITED STATES OF AMERICA,
 3
          Plaintiff,
 4
                                    CRIMINAL CASE NO. CCB-16-597
          vs.
 5
     MONTANA BARRONETTE,
          Defendant.
 6
 7
                        Friday, February 15, 2019
 8
                             Courtroom 7D
                          Baltimore, Maryland
 9
10
                      THE HONORABLE CATHERINE C. BLAKE, JUDGE
             BEFORE:
11
12
                                 SENTENCING
13
     For the Plaintiff:
14
     Christopher Romano, Esquire
15
     John Hanley, Esquire
     Assistant United States Attorneys
16
     For the Defendant:
17
     Alan Bussard, Esquire
     Michael Lawlor, Esquire
18
19
     Also Present:
20
     TFO/Detective Mark Neptune, Baltimore Police Department
     Eleanor Urban, U.S. Probation Officer
21
22
                                Reported by:
23
                       Douglas J. Zweizig, RDR, CRR
                      Federal Official Court Reporter
24
                     101 W. Lombard Street, 4th Floor
                        Baltimore, Maryland 21201
25
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1
                          PROCEEDINGS
 2
          (2:23 p.m.)
              THE COURT: Good afternoon, everyone. Be seated,
 3
 4
    please.
 5
              MR. ROMANO: Good afternoon, Your Honor.
              THE COURT: Do you want to call the case, Mr. Romano.
 6
 7
              MR. ROMANO: Thank you, Your Honor.
              Your Honor, calling the matter of United States versus
 8
    Montana Barronette. We're here for sentencing of
 9
10
    Mr. Barronette as a result of the jury's verdict on Counts 1
11
     and 3 of the second superseding indictment.
              Present at counsel table for the Government are
12
13
    Assistant U.S. Attorney John Hanley, Task Force
     Officer Mark Neptune with the FBI, and Chris Romano,
14
15
     representing the United States.
16
              Thank you.
              THE COURT: All right. Thank you.
17
18
              Mr. Bussard.
              MR. BUSSARD: Good afternoon, Your Honor.
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20
    Alan Bussard, representing Montana Barronette, who is to my
21
     right at the trial table; along with co-counsel,
    Michael Lawlor.
22
23
                         All right. Thank you.
              THE COURT:
              MR. LAWLOR: Good afternoon, Your Honor.
24
25
              THE COURT: You can all be seated. Good afternoon.
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We are here for sentencing for
 1
              All right.
    Mr. Barronette following the jury's guilty verdict on Count 1,
 2
     the RICO conspiracy, and Count 3, narcotics distribution
 3
     conspiracy.
 4
 5
              I have the presentence report and sentencing memoranda
     from both sides.
                       Thank you.
 6
 7
              As counsel know, I need to start with the presentence
     report and the advisory quideline range. The presentence
 8
     report I have, prepared December 7th of 2018.
 9
              Mr. Romano, any additions, corrections, or
10
    modifications?
11
12
              MR. ROMANO: No, Your Honor.
13
              THE COURT: Mr. Bussard, and just for the record,
     obviously you have read that. Has Mr. Barronette had the
14
15
     chance to review it with you?
16
              MR. BUSSARD: Yes, Your Honor. We met back in January
17
     and reviewed the presentence report, and there's no objections.
18
              THE COURT:
                         Okay.
                                 Thank you.
              All right. Well, I'm not going to go through the
19
20
     entire mechanism by which the quidelines were calculated. I
21
     don't think there's any disagreement because of the number, in
    particular the number of murders involved, and the way these
22
23
     things are grouped, the offense level actually comes to a 48.
     However, 43 is the maximum under the guidelines.
24
25
              Mr. Barronette is a Criminal History Category I.
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quideline range, however, is life in prison.
 1
              And I am aware of what's in the sentencing memos.
 2
     But, of course, I'm happy to hear what counsel or, Mr. Romano,
 3
     if there's anybody else that wants to be heard from; then,
 4
 5
     obviously, it will be the same for Mr. Barronette's side.
              MR. ROMANO: Your Honor, I believe one of the family
 6
    members of one of the victims, I've been advised by our victim
 7
    witness coordinator, is here and would like to address the
 8
     Court. So I would ask her to step forward.
 9
              THE COURT: If she can come to that podium and just
10
11
     speak at the microphone.
              THE CLERK: Ma'am, please state your name for the
12
13
     record.
              VALENCIA BULLOCK: Valencia Bullock.
14
15
              THE CLERK: I'm sorry?
              VALENCIA BULLOCK: Valencia Bullock.
16
17
              THE CLERK:
                         Thank you.
18
              THE COURT: Yes, ma'am? Whatever you'd like to say.
              VALENCIA BULLOCK: I just want to say that on
19
20
    May 25th, me and my son was together that morning, all morning.
21
     Took him to MVA.
22
              We came back to my mother's house. I watched my son
23
    walk into the door. I told him that I would come back and see
    him later 'cause I wasn't seeing him so much.
24
25
              I watched my son walk into the door, shut the door,
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and then I pulled off.

When I got my son's brother out of school, his father and I went back over west -- like I said, I would see him later. And when we got over there, he wasn't at my mother's house.

So when his father left, he went to his mother's house, which is four blocks from my mother. He called me, he said Tony's here. He said he asked him if he was good, he said yeah.

I said, well, tell him I'll see him later before I go home. That was that.

And within a few hours, I didn't hear sirens. I didn't hear helicopters. I didn't hear anything. I'm sittin' on the step watching my son T. play. He was 9 years old at the time, when this lady came up to me and she started asking for my mother. And then she said, Are you Tony's mother? And I said, Yes.

She said, Somebody said Tony got shot on Carey Street.

My heart just started racing. It was like I could not breathe.

I started calling his phone. I started walking towards

Carey Street, and it just seemed like it was so far to get there that I asked somebody could they give me a ride down the street.

When I got down there, the block was full of police, people, tape. I get down there, I don't see anybody that I

know. So I walk into his grandmother's house, I see the glass shattered. I walk inside, I see blood where my son must have fallen.

The police came and are like, Miss, you've got to leave. And I'm asking him, like, Where is my son? He just keeps saying, You got to leave.

So when I go back outside, this lady said, They took him to the hospital. Do you need a ride? I said, Yeah.

This lady was going through all the lights trying to get me there.

I get to the hospital, I'm thinking, like, okay, my son is hurt, but he's going to be okay. I'm going to stay the night with him.

The doctor finally called me and my daughter and my son's baby mother in the back and she said, Your son's heart stopped and then it started and then it stopped.

I couldn't believe what I was hearing. I've never been the kind of mother to go out and drink. I don't smoke. I don't party. I don't do drugs. I invest all my time with my kids. Me and my son were very close. There's nothing I wouldn't do for him. I don't care what time of day, what time of night he called me, whenever he need me. If I was at work, I would leave if he needed me.

To know that I was leaving that hospital without my son was the worst thing in the world. It's the worst pain you

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can ever feel. You relive it every day. Every day.
 1
              Later, when we got home, I had to go back and tell my
 2
    mother, who's very close to my son, that my son was dead.
 3
              I had to tell my youngest son, who was 9, that his
 4
 5
    brother was dead.
              I had to tell Tony's daughter K. -- she was 6 years
 6
     old -- her father was dead. When I told her that her father
 7
     was dead, I asked her, I said, Did you hear from your father
 8
     today? She said, No.
 9
              I told her that her father had got shot, that he died.
10
11
    He was not coming back.
              My granddaughter just fell to her knees. I told her
12
     who killed her father. I told her it was Tana. She knows
13
14
     Tana.
              She said, No, grandma, that's my father's friend.
15
16
     said, No. He killed your father. I told her that was our
     secret, don't tell anybody, but if she ever saw him, not to go
17
    near him.
18
              Every day since this has happened, it's hard for me.
19
     I can't sleep. I could be in a good mood, and the next thing
20
21
     you know, I'm in tears.
              Sometimes I'm driving and I pull over, I'm listening
22
23
     to a song, and the next thing you know, I'm in tears, I got to
    pull over.
24
              I've been at work where I cry and I can't even do my
25
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job because I have to leave 'cause I'm so emotional.

My son was a good person. I don't care what anybody thinks or anybody feels. My son wasn't just some person on the corner. My son finished high school, like he said. My son had a job. My son was an involved parent with his daughter. He went to her school. He helped her with her homework. He took her out where they had time together, him and her. He's always been there for her. He's always been a good son, a good brother, a good friend. Loyalty and respect means a lot to my son.

So ever since then, I just try to live day by day.

It's hard to get through these days. Every day, one day out of the week, one day out of the week I go to the cemetery. I don't care if it's snowing, if it's raining, if it's cold, if it's hot, I don't care. I make it there once a week, clean Tony's stone, and leave him flowers. It's hard going there, but it's mostly hard to leave because I'm not going back with my son.

I used to sit up there and watch the news before this happened, and I used to just -- I didn't know why people were killed, but I felt bad for their families. And then it was me. It's my son.

I've been in counseling. I've had suicidal thoughts.

Just yesterday my youngest son, he's 12 now, he came in the

room. I don't like to let him see me cry, but he comes in and

he tries to comfort me.

I talked to Tony's daughter. I asked her how does she feel about -- how does she feel, did she want to talk about her dad or anything. She feels like she can't express her emotions. She said she thinks it's best if she holds it in.

She's 9 now.

She fights at school because when the kids get mad at her, they say to her, That's why your father's dead. It's so hurtful the things that we go through every day to make it through the day.

So I just feel like -- I feel like Montana Barronette is the devil's child. Nobody could be that evil to do so many murders, hurt so many people, take people away from their families, their children.

I just want to end it and just say that I just thank everybody that was involved. I thank the jurors. The witnesses, for whatever reason, they came up and did what they did and said what they said. I thank them.

I thank the Baltimore City Police, especially

Dawnyell Taylor. She's always kept me informed. I used to

e-mail this lady so much. Even though she couldn't disclose

things to me, she would just say, I'm working on it. But it

meant a lot just to hear her response.

She even shared a part of her life with me with her brother being murdered. She said, You know what, you sound

like my mother when you talk, 'cause I'm always talking about 1 2 my son. So I just thank everybody, everybody that this man 3 will ever walk these streets again and hurt anybody. 4 5 That's just all I'm just going to say. THE COURT: Thank you. 6 MR. ROMANO: Your Honor, there were other family 7 members of victims who contacted our office but explained that 8 they were uncomfortable with appearing here for a number of 9 reasons, not the least of which were concerns for safety. 10 11 I'd like to address the Court with regard to what the Government believes is the appropriate sentence in this case. 12 13 We filed a sentencing memorandum. I'm not going to repeat everything that's in there, but I believe there are some 14 15 points that need to be addressed, not the least of which is 16 Montana Barronette's a killer, and he's a killer without a 17 conscience. When the jury announced its verdict, I was watching 18 19 Montana Barronette to see what his reaction would be. 20 Normally I'd look at the jury and try to gauge what 21 their response is going to be to the questions that are put to them. 22 But this time I wanted to look at Montana Barronette 23 and see what his reaction was when the jury announced its 24 verdict. 25

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And what was his reaction? He smiled. He smiled.

Now, I suppose one could say that that smile was one of disbelief, but we all in this courtroom know that it was not.

His smile, when the jury announced its verdict that he was responsible for six murders, demonstrated a complete lack of conscience, a complete lack of remorse.

And we know that, Your Honor, because of the evidence that was presented at trial.

When Montana Barronette was being interviewed by
law enforcement concerning the murder of Brian Chase -Your Honor will recall that video -- the murder that happened
on January 4th of 2015, that was the murder where Mr. Chase was
shot in the alley. He crawled from the alley to the backyard
of a nearby residence where he was shot a second time by
Montana Barronette.

And during that interview -- and I'm sure Your Honor will recall this -- the investigators, when they talked to Montana Barronette, his reaction was -- not only did he smile, but he laughed. He laughed about Brian Chase being found facedown in that backyard, lying facedown in dog feces.

So what kind of an individual reacts that way? The same individual, the same person who smiled and laughed when he talked about the murder of Antonio Addison -- and we just heard from his mother.

And he laughed about the fact that Antonio Addison had been shot and had crawled up the steps of his grandmother's house and where the evidence established that he was found lying bleeding and dead in that hallway.

Now, the Government, as part of its sentencing memorandum, attached in Exhibit 2 was a Facebook posting that Montana Barronette had, and it said, quote, "I kill you all if I could. I ain't scared of none of you 'cause you know my aim is good."

Well, his aim wasn't all that good because on at least one occasion, July 7th of 2015, where Montana Barronette and his co-conspirators murdered three people, two of them were innocent bystanders.

And while they shot at the intended target, there were more than 50 shots fired that killed those three people.

Based on Montana Barronette's actions, as Your Honor just mentioned a minute ago, his offense level is a 43; but it's really off the charts.

48 is what his combined offense level is. But, as the sentencing guidelines and as Ms. Urban's presentence report states, "In those," quote, "rare instances in which the total offense is calculated in excess of 43, as is here, it's limited and treated as a base offense level of 43."

So where does that leave us?

The Government's recommending a sentence on Count 1 of

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life imprisonment; and on Count 3, a sentence of 10 years
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     consecutive to that sentence of life imprisonment on Count 1.
 2
              Montana Barronette, despite his youthful age and
 3
     appearance, is nothing more than a cold, calculating killer.
 4
 5
     He led TTG, and now he must be held accountable. And that is
 6
     why the Government is seeking the sentences that it does.
 7
              THE COURT: Mr. Romano, let me ask you -- and, of
     course, I saw that recommendation. I understand your instinct
 8
     there.
 9
              I am not sure, first of all, that it makes any
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11
    practical difference.
              But, second, that it is more practically protective in
12
13
     the long run not to have two concurrent life sentences in
14
    place.
15
              I understand your thought, but does it make any
16
    practical difference?
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              MR. ROMANO: Well, I would say this, Your Honor --
     here's my concern. From time to time, Congress, in what people
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19
     refer to as its wisdom, changes laws with regard to sentencing.
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              We had the so-called sentencing reforms under a prior
21
     administration, and we now have what's known as the
     First Step Act.
22
23
              I will tell you this: The First Step Act will have an
     effect on some of these sentences that come up. And it will
24
25
     come up and it will affect it in this way: It will lessen the
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potential exposure that some of these other defendants have.

And this is my concern: That 10, 20, 30 years from now that we may undergo another type of revision of punishment. And we can debate whether it's appropriate or not, the ones that happened under prior administrations or even under the current administration, but my concern is this, that if there are changes, a life sentence may not mean a life sentence anymore. It may mean something less than that. It may mean something less than that.

So even two concurrent life sentences, if it changes -- and a life sentence no longer means a life sentence. It may mean 20 years, it may mean 30 years before you're eligible for some type of release.

At least with a consecutive sentence imposed on top of that life sentence, there is a better chance that people like Montana Barronette will remain in jail for as long as necessary, as long as necessary to protect the public, as long as necessary to protect the citizens of Baltimore, as long as necessary to punish what have been outrageous and egregious acts. So that's why the Government recommended what it did.

Now, again, I don't have a crystal ball, and I know Your Honor doesn't either. And we don't know whether two concurrent life sentences -- and clearly, he's eligible for a life sentence on both, on both.

And one might argue, well, maybe he should get two

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consecutive life sentences, because if the law does change,
 1
     maybe that'll give us some sense of protection from people like
 2
     Montana Barronette. People who say we're not hustling today,
 3
     we're hunting. We're hunting, which is what he told
 4
 5
    Dennis Pulley when they were out looking for people to murder.
              Your Honor will recall that the conversation that he
 6
 7
    had where one of his corner boys, Mike, had been robbed of the
     measly sum of $40 worth of drugs, and they were out looking to
 8
    kill him, the person that robbed him.
 9
              And that's what led, actually, to the recovery of the
10
11
     one firearm that ballistics matched the triple murder in July
     and then the murder of Dominique Harris.
12
              So from a standpoint of when we look at the Title 18
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     3553(a) factors -- and we've outlined them, and I know
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15
     Your Honor knows them quite well -- the most appropriate
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     factors here are protection of the public, punishment, and that
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     the sentence reflect the seriousness of the crime.
              Now, whether that's two concurrent life sentences --
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     or, as the Government requests, a life sentence plus 10
19
     years -- is obviously the Court's decision.
20
              But I would simply ask the Court that that sentence
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     that's imposed be -- and when we say and use those -- sometimes
22
     those words, we just kind of gloss over 'em, "sufficient but
23
    not greater than necessary."
24
              The sentence here that has to be sufficient has to be
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life. 1 Now, whether it's life plus 10 or two concurrent life 2 sentences, again, is Your Honor's call, but that's the 3 rationale behind the Government's recommendation. 4 5 And with that, unless the Court has any other questions, I'll sit down and will be finished. 6 7 Thank you. Thank you, Mr. Romano. Appreciate it. THE COURT: 8 Mr. Lawlor. 9 MR. LAWLOR: Thank you, Your Honor. 10 11 So, Your Honor, this is challenging. I think all the sentencings I do in this court and in Greenbelt and in D.C. and 12 13 in federal court, this is the first time where I've seen this 14 many spectators here. 15 And I think probably everyone in this room expects you 16 to hand a life sentence down today, and I think most want you 17 to. And I hope to convince you, Your Honor, that that is 18 19 not a just sentence here in this case. 20 In my preparation for this hearing today, I started 21 to -- and I mean no offense to Mr. Romano, but I could somewhat 22 anticipate some of the things that he would argue today, that 23 he would say about Mr. Barronette, how he would classify both Mr. Barronette and the things that he's been convicted of 24 25 doing.

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And so, as I have argued to you in the past, I will again today, that, as I said, as I look to think about where we are in the city and the things that we learned about during this trial, I looked at the statistics about murders in Baltimore.

And Mr. Barronette has been in jail for more than two years and there have been, every year for several now, including the years that Mr. Barronette has been incarcerated, in excess of 300 murders each year.

And the Baltimore Sun has -- even for someone who is as weathered as I am, who's been doing this for as long as I have, has had as many RICO cases, as many murder cases as I've done, state side, federal side, here, Greenbelt, D.C., it's shocking to look at the lists and the graphics that they now publish routinely because murder is such a part of the fabric of the city.

And I looked and I saw not just 300 a year, but I looked at how many have occurred so far in 2019. And here we are on February the 15th, and that number is 31.

I looked at the last 100; that took us only to last October of 2018.

And then I looked at Montgomery County, and the reason I looked, to be fair, is because I live there, and there may be a certain element of what people think about Montgomery County, but I live in Silver Spring. I live in what I view to be a

working-class neighborhood. I don't consider myself to be wealthy.

And Montgomery County is probably twice the size of Baltimore City when it comes to population, and they have, some years, when there's a surge of violence, 30 homicides. And in some years they have 15. Last year they had 19. Which, as I said, that's the entire calendar year. Baltimore's had 31 in the calendar year 2019.

And so you may say, well, what does this have to do with Montana Barronette and these things that he has been convicted of doing? And I submit to you, Your Honor, it has everything to do with him and everything to do with the things that he has been convicted of doing for this reason: Not only did he -- was he born and raised in Baltimore City, but he was born and raised in probably the or one of the most violent parts of the city, which is Sandtown.

And a witness testified -- and forgive me for not recalling his name -- but a witness testified that he put Montana on the street selling drugs at 13 years old.

And so this brings me back to this difference between Silver Spring, Maryland, and Baltimore City or Sandtown, where I live now and where Montana Barronette spent his time because I used to say -- and I meant it then; and if I were to say it now, I would mean it -- that in all likelihood, if I grew up as Montana Barronette did and he grew up as I did, I'd be in that

chair and he'd be standing here.

I used to say that, but now I'm 47, and I have a 10-year-old son. And so not quite 13, but a stone's throw from 13.

And so now that I'm a little older, instead of saying, well, if I grew up as he did and he grew up as I did, well, now I think of my son, who, as I said, is a stone's throw from 13.

I think of the things that he does and I think of this notion of him selling drugs three years from now, and I don't want to say that it makes me laugh 'cause it's horrifying because 13 -- like, my 10-year-old son is a baby to me. He still watches cartoons, and I mean exclusively.

And so this notion that he'd be on the street selling drugs at 13 years old, like I said, when -- I want to say it's funny to me, but obviously that's clearly the wrong notion.

There's nothing funny about a 13-year-old child selling drugs.

It's horrifying, but that's what happened here and that's the arc of Montana Barronette's life that began. It began well before that. It began when he was born.

And I won't recite everything that happened to him that we put in our sentencing memorandum, but he was born to the streets and he was going to be a captive, as he ended up being, to the streets.

And so I look around this room and I see people from the U.S. Attorney's Office, from the Baltimore City Police

Department, and I don't criticize them for what they do. I would not want to live in a world without police and without prosecution.

We live in a world with laws. We live in a society with laws, and we expect people to follow them and we don't.

We have police to arrest them; we have prosecutors to prosecute them; we have judges who will oftentimes incarcerate them. And I expect that and I understand it and I wouldn't want to live in a society that didn't have that.

But I also know that we live in a society that permits what goes on in Baltimore to happen. And when I say "permits," I mean we permit it.

And I don't say "they," I say "we." I have blood on my hands. With all due respect, you have blood on your hands. And Mr. Romano has blood on his hands 'cause this happens in a society where it need not happen.

And I will not, you know, sit here for 15 minutes and talk about government programs and resources and the allocation of those resources.

But we all well know that if we made the decision as a society to stop this, we could, but we do not have the political fortitude to do it.

Now, I'm not a policy person, and that maybe sounds like an abdication. I have a client, I represent my client to the best of my ability, that case ends, and then I have another

client. That's my role in this system.

And with that, not only do I not have a role in determining what the policy is that could break the cycle, but I don't have the answer. Even as someone who's been an actor in the system for more than 20 years, I don't know what the answer is. I know there is one, but I know that we haven't seized upon it.

And so this isn't to say that Montana Barronette did things only because of where he comes from or because of our failing as a society -- failings as a society that there should not be a harsh punishment.

But I'll say this, Your Honor -- and it might age you and myself here a little bit -- but when I first started coming to federal court was around 2004, and I had a colleague who was in the Lexington Terrace case.

And so what has changed in the 13 years since

Your Honor presided over that case? Because I would imagine
what you heard there was entirely like what you heard here.

And so the point I'm making, Your Honor, is that there is room for both punishment and an understanding that we failed Mr. Barronette.

And it is unfortunate to me that we're failing to recognize that we are failing not just Mr. Barronette, but so many like him, because as I have said -- and the reason I made this distinction between Montgomery County and Baltimore -- and

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you're only talking about a distance of about 30 or 40 miles.
 1
     This isn't from here to Baghdad. This is in the same state. I
 2
     mean, I drive here. And I don't leave my house at 6:00 in the
 3
               I leave at 8:00 to make a 9 o'clock court appearance.
 4
 5
     It's a commute.
              But all the bad kids weren't born in Baltimore.
                                                               It's
 6
    not just this coincidence that so many people end up doing the
 7
     things like Mr. Barronette did and so few do in
 8
 9
    Montgomery County.
10
              So there has to be, I'm submitting to you, a
11
     recognition that we have failed Mr. Barronette and the other
     defendants in this case and so many young men in
12
13
    Baltimore City.
              And to me it is perverse to, on the one hand, either
14
15
     ignore that failure or acknowledge it but fail to account for
16
     it in the sentence that is imposed.
17
              And so I'm suggesting to you, Your Honor, that this is
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    not just a statistical analysis. This isn't just me pining for
19
     a city that doesn't have so much violence. I'm submitting this
20
     to you because Mr. Barronette is a victim of this.
21
              And if Mr. Barronette had grown up in my home, he'd be
     in his first job after college now. But that's not what
22
23
     happened because he didn't. He didn't grow up in
    Montgomery County. He grew up in Baltimore with parents who
24
25
     were not present or addicted to drugs. He grew up in a place
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where he would be selling drugs at the age of 13. He grew up with an older brother who was a co-defendant in this case, a father who's been in and out of jail, and peers and people who would influence him who sold drugs and committed acts of violence.

And when I say he's a victim, I don't mean just in that sense, but also in the sense that you saw from the presentence report. He had to stop going to funerals 'cause he had been to too many of his friends' funerals that it began to haunt him.

While he was incarcerated for this case, his sister was murdered on these same streets.

And so, Your Honor, he sits here now. He was born in 1995. He was 21 when he was incarcerated for this case.

The first time frame in the indictment was 2010, which made him 15.

And it would be easy -- and I think everybody in this courtroom, save a handful of us, will sigh a sigh of relief of the notion that Mr. Barronette should never walk free because he's a danger to society, but that's a fallacy.

Again, I am not so naive to not understand that there is going to be a significant and heavy punishment for this crime.

But I submit to you, Your Honor, that you're not sentencing just one person today. You're sentencing this young

man who sits here today, who is now still only 23 or 24.

But you're also sentencing him at 34, 44, 54, 64, and 74.

And I will tell you, again, as someone who's been an actor in the system for a long time, that I have met many -- because they have been my clients -- men who went to prison for murder at 16 or 22 or 24 and that I was fortunate to aid in their release when they were 54 and 64. And those people are not the same.

I mean, that sort of goes for all of us on a different level. And, again, we probably don't need to discuss our younger selves to think of this comparison because this is a particular conversation about a particular human nature, which is criminality.

And so is Montana Barronette, at 64, really going to be a threat to society? And he's not.

And, Your Honor, I submit to you that you can do two things here today. You can impose a very significant sentence that speaks to all the things that Mr. Romano asked you to address and all the things that you're required to address under 3553(a): Punishment; protection of the public; a message, if you will; deterrence to Mr. Barronette and to others who might engage in this kind of conduct. And you could impose a sentence of 60 years, which, even accounting for good time as it exists now -- because like Mr. Romano acknowledges,

none of us have a crystal ball.

And so I'd ask you to sentence him based on what we know now, but not what we fear what Congress might do next year or in five years or in ten years.

But on a 60-year sentence, he would serve 51 years

15 percent of 60, if my math is right, is 9 years. 60 less 9
is 51 years, which means he would get out of jail in his early

70s.

And I submit to you, Your Honor, that that is a fair and appropriate resolution of this case, not just for the reasons that I've addressed here today, but also it takes into account the sentence that Your Honor did impose for a co-defendant who pled guilty. Different circumstances, different acts, different accusations, but, nonetheless, it's the only sort of in-case comparison we have.

I know Your Honor has -- and we all have -- many circumstances of many cases, far too many cases, RICO sentences imposed of 30 or 40 years.

And so I do think, taking into account the requirement that Your Honor consider sentences imposed in similar cases, that a sentence of 60 years would be an appropriate one. And so that is our request, Your Honor.

The last thing I will say is that we are submitting that Count 3 should merge with Count 1 because it is listed in the indictment specifically as a predicate act, so I would ask

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Your Honor to impose a sentence only as to Count 1 and merge
 1
     the sentence -- or merge the conviction for Count 3 into that
 2
     of Count 1.
 3
              Thank you.
 4
 5
              THE COURT:
                         Okay. Thank you. Thank you very much,
     Mr. Lawlor.
 6
              Let me just ask, before I turn to your client, if
 7
     there are any recommendations. I don't know that --
 8
 9
              MR. LAWLOR: Can I have your indulgence for one
     moment, please?
10
              THE COURT: Of course.
11
              MR. LAWLOR: Can we have the husher, please.
12
              THE COURT:
13
                         Yes.
          (The defendant conferred with counsel.)
14
15
              MR. LAWLOR: Thank you, Your Honor.
16
              And, Your Honor, Mr. Barronette, before we get to any
17
     recommendations, did want to address the Court.
              THE COURT: Of course. If you'd like to do that now,
18
19
     that's fine.
20
              Mr. Barronette, you have the right to tell me anything
     you'd like to.
21
22
              THE DEFENDANT: Okay. Good afternoon. I just want to
     apologize to Mr. Anderson' family, his daughter, his mother,
23
     his sister for all the heartache and pain that they believe I
24
25
     caused.
```

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And I just want to say I was -- he was a good friend
 1
     and a good father to his daughter. And I been with him when he
 2
     was taking and spending time with his daughter and things like
 3
     that and giving him advice on keeping his job and staying out
 4
 5
     the streets and everything like that.
              And I just want to just apologize to 'em.
                                                          That's it.
 6
 7
              THE COURT:
                          Okay.
              THE DEFENDANT: Okay. And I just want to thank my
 8
     loved ones, my family, friends for coming out and supporting me
 9
     and just riding this -- riding it out with me for as long as
10
11
     they can and just uplifting me when I be feeling times when I
     just be all over the place and stressin', just thank them.
12
13
     thank my two lawyers for speakin' for me and fightin' for me
     every day as well.
14
15
              Thank you.
16
              THE COURT:
                         Okay. Thank you, Mr. Barronette.
17
              All right. Anything else that anyone hasn't had a
     chance to say? Okay.
18
                                Can the family talk?
19
              AUDIENCE MEMBER:
                          If you want to -- Mr. Romano, is there --
20
              THE COURT:
     Mr. Lawlor --
21
22
              MR. ROMANO: It's Mr. Barronette's family.
23
                          Mr. Barronette's family.
              THE COURT:
              MR. LAWLOR: Court's indulgence, please.
24
                                His sister and cousin.
25
              AUDIENCE MEMBER:
```

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(Pause.)
 1
          (The defendant conferred with counsel.)
 2
              MR. LAWLOR: Your Honor, forgive me. I'm wondering if
 3
     you would indulge one of Mr. Barronette's family members.
 4
 5
              THE COURT:
                          If that's what you would like, yes.
              THE CLERK:
                         Please state your name for the record.
 6
 7
              DIKESHIA KING:
                             Dikeshia King.
              THE CLERK: Can you spell that, please.
 8
              DIKESHIA KING: D, as in David; I-K-E-S-H-I-A; and my
 9
     last name is King, K-I-N-G.
10
11
              THE CLERK:
                          Thank you.
12
              THE COURT:
                          Ms. King.
13
              DIKESHIA KING: Hi, Your Honor.
              I just want to say that I apologize to the families
14
15
     and -- who was hurt in this process.
16
              Also, I just want to let y'all know that he's being
17
     called an animal and, like, a killer and, like, he's some type
18
     of animal. He's not.
19
              The Montana Barronette that we know grew up in a
20
     family of 30. That's our whole family. It's only 30 people.
21
     If you subtract three of our members that got killed on these
22
     streets, then it's only 27 of us.
              We didn't have no silver spoon, no gold spoon, however
23
24
     you want to call it.
25
              Montana Barronette has always smiled, and a lot of his
```

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smiling come from hiding his nervousness and scaredness [sic].

He's always been like that. He even smiled when he got -- when

it was time for him to get in trouble.

I don't -- he helped so many people. Like, he done give roofs. He done put clothes on backs. Like, I just don't want nobody to sit up here and belittle him like he's not a good person. He is.

We had two, three murders taken -- people taken from us in our family that was real tragic to him. And his mother that wasn't there, my grandmother. Me, myself, I'm 33. I'm 33 years old. He have, including hisself, it's five siblings. I had to take care of all five of them by myself. Changed diapers. And it was always all of us.

All he knew how to do was to take care of his family.

That's what we was told, to take care of your family. Protect

your family. We all we got. That's all we ever heard. That's

all we ever known.

So when he grew up, that's all he carried out here.

Now, I'm not saying that what he did was right, but what I'm saying is don't nobody know anything that was going on in his life and in his head at the age of 13 on up, even when he came as a little boy. They always wanted extra love from people, but we didn't have it. It was only us.

So I'm not going to let nobody belittle him.

I just want you to know I love you with all my heart.

```
And that's all I wanted to say.
 1
              We always grew up in church. Like, if you could just
 2
     understand our lifestyle, we -- if we didn't go to church, we
 3
     would get in trouble, a punishment, as black people would say,
 4
 5
    beatin'. So we grew up in church. He still went to church as
     an adult.
 6
 7
              My grandmother is home hurtin' because she don't
    understand. We all don't understand. But my brother was taken
 8
     away at 18 for trying to help somebody else out. He would have
 9
10
     finished school. He didn't get a chance to finish school.
11
              Montana's sister finished school, was working, got
    killed for no reason. No reason.
12
              So our family members is taken away from us for no
13
             And our families are still hurtin'.
14
     reason.
15
              My mother is disabled -- which he loves so dearly --
16
     and he take -- he talks to my mother. He pray with my mother.
17
    He's not no animal.
              That's all I want to say. He's not no animal.
18
              Thank you.
19
20
                        Conference at the bench.
21
          (It is the policy of this court that every guilty plea and
     sentencing proceeding include a bench conference concerning
22
23
     whether the defendant is or is not cooperating.)
              THE COURT: Thank you. Thank you very much.
24
              As I think we can all tell just from the people that
25
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we've heard from from that podium, this is a tragedy on all
 1
             There's nothing good about this.
 2
     sides.
              Sentencing is very difficult, one of the hardest
 3
     things that we have to do as judges. Also one of the most
 4
 5
     important.
              So there are a lot of things that I have to consider
 6
     in a situation like this.
 7
              And this is -- first of all, of course, the quidelines
 8
     are where they are, as they should be.
 9
              This is the most serious kind of crime that anyone can
10
              These were senseless murders. At least six lives lost
11
     commit.
     to gun violence. And it destroys people's families.
12
13
              And Mr. Barronette's sister, who just spoke,
     understands that, obviously.
14
15
              The victim's mother, who spoke earlier, understands
16
     that.
17
              It's just senseless qun violence.
              There are many more lives that have been lost through
18
19
     the poison, the drugs that were sold by Mr. Barronette and
20
     other people working with him.
21
              And it's just an extremely, extremely serious offense.
     I can't see an offense more serious than this.
22
23
              There is obviously a need to protect the public, to
     protect the community, to deter Mr. Barronette, to make sure
24
```

that, for whatever reason, he doesn't kill anybody else's

25

father or mother or son or daughter.

We can't bring anyone back, but we have to show the victims' families that this violence has to be taken seriously and will be taken seriously.

Mr. Barronette obviously had a very, very difficult childhood. Grew up, as Mr. Lawlor and Mr. Barronette's sister said, in very difficult, desperate circumstances, and that may explain, to some extent, some of why he's done what he's done. Although, of course, there are many others that grow up under those same very terrible conditions and don't kill people.

But we can't excuse it. It doesn't reduce the need to protect the community, at this point, from Mr. Barronette.

I appreciate Mr. Lawlor's argument and what
Mr. Barronette's sister said as well. And I don't think it
gives anyone any pleasure about locking someone up for a very
long time.

And Mr. Barronette's life could have been -- perhaps it would have been -- very, very different if he'd grown up in different circumstances.

Perhaps at some age, Mr. Barronette will understand what he's done and truly feel remorse and sorrow for it. I'm not sure we're there yet.

In any event, there's really no choice. There's just too much death and destruction that has been caused by Mr. Barronette.

I don't know whether Count 1 merges with Count 3. 1 That's a new argument that I haven't had time to consider. 2 But, in any event, I think the appropriate sentence --3 and I appreciate what Mr. Romano is saying. I don't know what 4 5 Congress is going to do in the future, whether or not it's a reform that perhaps should apply, I don't know. 6 7 I personally think that a lot of the sentencing reforms that have been enacted are appropriate, but I'm going 8 to sentence based on what is in front of me now and the 9 10 guidelines and what I think is sufficient and required under the law. 11 If Mr. Lawlor turns out to be correct that there's a 12 13 merger, it will be the same sentence, in any event. Mr. Barronette, the sentence is life in prison on 14 15 Count 1 with a concurrent sentence of life in prison on Count 3. I believe this is the second superseding indictment. 16 17 Obviously, there's not going to be any fine. There is a required \$100 special assessment on each 18 19 count. 20 In light of that sentence, the period of supervised 21 release may be academic; but, again, nobody can look that far into the future, so I am going to impose five years of 22 23 supervised release on Count 1 and five years of supervised

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release on Count 3, with special conditions of participating in

any mental health counseling or treatment the probation officer

24

25

```
recommends; any substance abuse or testing the probation
 1
     officer recommends; and any vocational programs the probation
 2
     officer recommends.
 3
              Do you have any recommendations that you want me to
 4
 5
     make in regard to the Bureau of Prisons? They obviously will
    be looking at the security level, so the Bureau of Prisons will
 6
     make the final decision, but . . .
 7
              MR. BUSSARD: Court's indulgence for a moment.
 8
              THE COURT:
 9
                         Sure.
10
          (The defendant conferred with counsel.)
11
              MR. BUSSARD: Consistent with his security levels,
    Mr. Barronette requests a facility as close to Maryland as
12
     possible and with a recommendation for Allenwood. I believe
13
    Allenwood has all levels of security within that complex up
14
15
     there.
16
              THE COURT:
                         Okay.
17
              MR. BUSSARD: Also, drug treatment and any educational
    programs that are consistent with Mr. Barronette's current
18
19
     condition.
20
              THE COURT:
                          Sure. I'll be happy to recommend that he
21
     participates in any substance abuse program he's eligible for
     and any vocational or educational programs he's eligible for.
22
23
              Have I left anything out? Anything I have not
     addressed about that sentence?
24
25
              MR. ROMANO: I don't believe so, Your Honor.
```

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But there is a housekeeping matter by the Government
 1
     to dismiss all the counts in the original and in the first
 2
     superseding indictments.
 3
              THE COURT: Sure. All right. Those counts will be
 4
 5
     dismissed.
              Mr. Barronette, as I'm sure you're aware, you have the
 6
     right to appeal from your conviction and from this sentence.
 7
              And, counsel, I assume you'll be taking care of noting
 8
     an appeal for him?
 9
              MR. LAWLOR: We will.
10
11
              THE COURT: Okay.
                                 Thank you, all.
          (Court adjourned at 3:19 p.m.)
12
          I, Douglas J. Zweizig, RDR, CRR, FCRR, do hereby certify
13
     that the foregoing is a correct transcript from the
14
15
     stenographic record of proceedings in the above-entitled
16
    matter.
17
                                 /s/
18
                   Douglas J. Zweizig, RDR, CRR, FCRR
                      Registered Diplomate Reporter
19
                      Certified Realtime Reporter
20
                     Federal Official Court Reporter
                           DATE: June 18, 2019
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Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

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